

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVELINA CALCANO, on behalf of herself and all other
persons similarly situated,

Plaintiff,

-v-

UNITED STATES OF ARITZIA, INC.,

Defendant.

CIVIL ACTION NO.: 19 Civ. 11378 (PAE) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On December 12, 2019, Plaintiff filed this action against Defendant, alleging that Defendant violated the Americans with Disabilities Act by “fail[ing] to sell store gift cards to consumers that contain writing in Braille and to be fully accessible to and independently usable by Plaintiff and other blind or visually-impaired people.” (ECF No. 1 ¶ 4). On December 13, 2019, the Honorable Paul A. Engelmayer referred this case to me for general pre-trial supervision. (ECF No. 5). On March 30, 2020, the Court granted Defendant’s request to stay this action until August 4, 2020. (ECF No. 10). On July 29, 2020, the Court granted the parties’ request for a continuance of the stay pending the Second Circuit’s decision in Mendez v. AnnTaylor, Inc., No. 20-1550, and directed Plaintiff’s counsel to “notify the Court within 14 days of the decision in Mendez.” (ECF No. 12). On July 31, 2020, Mendez was consolidated with other related appeals, and Calcano v. Swarovski North America Limited, 21-1552 was designated as the lead case. (Order, Mendez, No. 21-1550, (2d Cir. July 31, 2020), ECF No. 88).

On June 2, 2022, the Second Circuit issued its decision in Calcano. (Opinion, Calcano, No. 21-1552, (2d Cir. June 2, 2022), ECF No. 196). Accordingly, Plaintiff’s counsel was to notify

the Court of the decision by June 16, 2022. To date, however, neither party has communicated with the Court.

In light of the Calcano decision, the Court orders as follows:

1. The stay of this case (ECF No. 12) is LIFTED; and
2. The parties shall promptly meet and confer and, by **June 28, 2022**, file a joint letter (the "Letter") with a proposal for proceeding with the case. To the extend the parties cannot agree on a proposal, they may set forth in the Letter their respective positions without argument.

Dated: New York, New York
June 22, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge